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Via Email and Under Seal

August 28, 2019

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: ***United States v. Nicholas Tartaglione***
16 Cr. 832 (KMK)

Dear Judge Karas,

I write in response to the Government's letter dated August 23, 2019 regarding the available housing options for Mr. Tartaglione. In short, we reject the Hobson's choice offered by the BOP: either he stays at MCC with its well documented problems; or he is forced to live in SHU at MDC through the course of the trial.

While we don't fault the AUSAs who delivered the message from the BOP, we take issue with the reasons offered by the BOP for their insistence that Mr. Tartaglione remain in SHU if he is housed at MDC. Their position is that Mr. Tartaglione can be placed into general population at MCC—the very facility under investigation and guarded by the very people being people being investigated—but that he would not be safe at MDC because of his possible cooperation. We respectfully submit that this explanation is irrational. Obviously, if Mr. Tartaglione is safe at MCC, despite his lawyer having complained publicly and to the court about the deplorable conditions of the MCC, he should also be safe at MDC about which there have not been any complaints.

We are trying to schedule a conference with the legal staff at MCC and the Government to determine if the conditions at MCC are actually going to dramatically improve given the influx of new personal and the scrutiny the facility now faces. Once that conference takes place,

we will report to the Court what if any resolution all parties can agree to.

The position of the defense has been consistent: we want our client safe, living in humane conditions, with adequate access to his legal team.

We ask that this letter be filed under seal since it responds to the Government's letter, which at present remains under seal.

Thank you for your consideration.

Respectfully submitted,

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